

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Van S. CHANDLER

Application No.: Not Yet Assigned

Group Art Unit: Not yet assigned

Filed: October 28, 2003

Examiner: Not yet assigned

For: ZERO DEAD TIME ARCHITECTURE AND  
METHOD FOR FLOW CYTOMETER

Attorney Docket No. 215063.01506

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER**  
**37 C.F.R. § 1.56, § 1.97(b)(3) AND § 1.98**

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, and in accordance with the practice under 37 C.F.R. § 1.97 (b)(3) and § 1.98, Applicant brings to the attention of the Examiner the documents listed on the attached Form PTO/SB/08A. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

This application is a continuation of 10/140,943 filed May 9, 2002, which is a continuation of 09/310,755 filed May 13, 1999 (issued as Patent No. 6,411,904) and which claims benefit of 60/085,415 filed May 14, 1998 and 60/085,381 filed May 14, 1998. All references cited in attached PTO/SB/08A are of record in the parent cases; therefore, no copies are being provided herewith.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each, any, or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the

documents as prior art against any claim in the present application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents. Further, Applicant reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied as prior art against the claims of the present application.

### **CONCLUSION**

It is respectfully requested that the attached information be considered by the Examiner and that a copy of the attached Form PTO/SB/08A be returned indicating that such information has been considered.

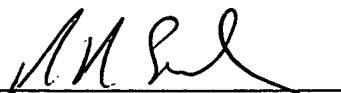
Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3500. All correspondence should continue to be directed to our address given below.

### **AUTHORIZATION**

Applicant believes there is no fee due in connection with this filing as this Information Disclosure Statement is being filed prior to any Office Action on the merits in this matter. However, to the extent required, the Commissioner is hereby authorized to

charge any fees due in connection with this filing to Deposit Account 50-1710 or credit any overpayment to same.

Respectfully submitted,



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Dated: October 28, 2003

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

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of

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**Complete if Known**

Application Number	Not yet assigned
Filing Date	August 25, 2003
First Named Inventor	Van S. Chandler
Art Unit	Not yet assigned
Examiner Name	Not yet assigned
Attorney Docket Number	215063.01506

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US- 6,411,904	25-Jun-2002	Chandler	
		US- 6,148,365	14-Nov-2000	Buer	
		US- 6,064,439	16-May-2000	Kimura et al.	
		US- 5,909,278	1-Jun-1999	Deka et al.	
		US- 5,880,474	9-Mar-1999	Norton et al.	
		US- 5,745,793	28-Apr-1998	Atsatt et al.	
		US- 5,734,422	31-Mar-1998	Maurer et al.	
		US- 5,550,058	27-Aug-1996	Corio et al.	
		US- 5,448,706	5-Sep-1995	Fleming et al.	
		US- 5,367,474	22-Nov-1994	Auer et al.	
		US- 5,299,141	29-Mar-1994	Hungerford et al.	
		US- 5,278,988	11-Jan-1994	Dejean et al.	
		US- 5,091,951	25-Feb-1992	Ida et al.	
		US- 4,661,913	28-Apr-1987	Wu et al.	
		US- 4,478,088	23-Oct-1984	Loveland	
		US- 4,338,950	13-Jul-1982	Barlow, Jr. et al.	
		US- 4,091,367	23-May-1978	Harman	
		US- 4,019,174	19-Apr-1977	Vanderpool et al.	
		US-			

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				

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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Sheet

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of

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**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		SHAPIRO, Practical Flow Cytometry, 3rd Ed., Alan R. Liss, Inc. 1985	

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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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